



Billing Code 3290-F8

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2018-0021; Dispute Number WT/DS536]

WTO Dispute Settlement Proceeding Regarding United States – Anti-Dumping Measures on Fish Fillets from Vietnam

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that Vietnam has requested the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement). You can find the request at www.wto.org in a document designated as WT/DS536/2. USTR invites written comments concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments during the course of the dispute settlement proceedings, you should submit your comment on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in Section III below. The docket number USTR-2018-0021. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395-9483.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsel Ryan

Majerus at Ryan_M_Majerus@ustr.eop.gov or (202) 395-0380.

SUPPLEMENTARY INFORMATION:

I. Background

Section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires notice and opportunity for comment after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to this provision, USTR is providing notice that Vietnam has requested a dispute settlement panel pursuant to the WTO Understanding on Rules Procedures Governing the Settlement of Disputes (DSU). The panel established by the WTO will hold its meetings in Geneva, Switzerland.

II. Major Issues Raised by Vietnam

On January 8, 2018, Vietnam requested consultations with the United States. You can find the consultation request at www.wto.org in a document designated as WT/DS536/1. The United States and Vietnam held consultations on March 1, 2018. On June 8, 2018, Vietnam requested the WTO to establish a WTO dispute settlement panel regarding the U.S. Department of Commerce (DOC) determinations in the following antidumping proceedings on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam:

- *Fifth Administrative Review and Fourth New Shipper Review: Certain Frozen Fish*

Filletts from the Socialist Republic of Vietnam (DOC investigation number A-552-801).

- *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Sixth Antidumping Duty Administrative Review and New Shipper Review* (DOC investigation number A-552-801).
- *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Seventh Antidumping Duty Administrative Review* (DOC investigation number A-552-801).

Vietnam's request for establishment of a panel appears to be concerned with the alleged use of "zeroing", timeliness of a request for revocation, applying a Vietnam-wide entity rate based on facts available, and Section 129 of the URAA. Vietnam claims that certain alleged measures of the United States are not consistent with the United States' obligations under Articles 1, 2, 6, 9, 11, and 18 the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Antidumping Agreement), Articles VI and XVI of the GATT 1994, and Paragraph 1.2 of Part I of the Protocol on the Accession of the Socialist Republic of Viet Nam (Accession Protocol).

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via www.regulations.gov.

To submit comments via www.regulations.gov, enter docket number USTR-2018-0021 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "notice" under "document type" on the left side of the

search-results page, and click on the link entitled “comment now!” For further information on using the www.regulations.gov website, please consult the resources provided on the website by clicking on “How to Use Regulations.gov” on the bottom of the home page.

The www.regulations.gov website allows users to provide comments by filling in a “type comment” field, or by attaching a document using an “upload file” field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type “see attached” in the “type comment” field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the “type comment” field.

For any comments submitted electronically that contain business confidential information (BCI), the file name of the business confidential version should begin with the characters “BC”. Any page containing BCI must clearly be marked “BUSINESS CONFIDENTIAL” on the top and bottom of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character “P”. Follow the “BC” and “P” with the name of the person or entity submitting the comments or rebuttal comments. If this is not sufficient to protect BCI or otherwise protect business interests, please

contact Sandy McKinzy at (202) 395-9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than BCI, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as “SUBMITTED IN CONFIDENCE” at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR-2018-0021, accessible to the public at www.regulations.gov. The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is composed, or in the event of an appeal from a panel, USTR will make the following documents publicly available at www.ustr.gov: the U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is composed, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, also will be available on the website of the World Trade Organization, at www.wto.org.

Juan Millan,

*Assistant United States Trade Representative for Monitoring and Enforcement,
Office of the U.S. Trade Representative.*

[FR Doc. 2018-16562 Filed: 8/1/2018 8:45 am; Publication Date: 8/2/2018]